IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 766 OF 2006

Shri Sandeep Nathu Shendge ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mrs. Pranali Kakade for the applcant.

Mr. R.Y. Mirza, APP for the State.

CORAM : V.M. KANADE, J.
DATE : 27TH MARCH, 2006.

P.C.

. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with the C.R. No.259 of 2005 registered with Yerwada Police Station, Pune for the offence punishable under Section 376 r/w 34 of Indian Penal Code.

3. The prosecution case is that the prosecutrix was returning to her home and suddenly the lights in the area went off and the applicant and other accused took the benefit of darkness and assured her to reach to her

home. They took her to deserted place and the applicant and other accused forcibly raped her. The prosecutrix is deaf and dumb girl and is below 16 years of age. After both the accused raped, she started crying and as a result the people in the nearby locality came near that place. Both the accused ran away. The prosecutrix informed her sister in the sign language. Thereafter she had disclosed house of the accused. It is submitted that no identification parade has been held and there is no evidence to indicate that the applicant who had committed the said offence, as the other witnesses had not identified the applicant and as merely seen two people. The medical evidence indicates that the prosecutrix was raped.

4. In my view, therefore, merely because charge-sheet is filed, it is not fit case to grant bail to the applicant, as the prosecutrix has named him and has shown his house to the police immediately after the incident. Considering the material on record, this is not fit case for grant of bail to the applicant.

5. The application for bail is rejected. Trial is expedited.

[V.M. KANADE, J.]